



06-23-03  
DAC \$  
**CHITTENDEN RESEARCH AND DEVELOPMENT, LLC**  
Box 99 10600 Main Street Hinesburg, VT 05461-0099 USA 802-482-3040 / fax -3490 lduffy@wcvt.com

June 19, 2003

Office of Petitions  
Box DAC  
Assistant Commissioner for Patents  
Washington, DC 20231

**LETTER OF TRANSMITTAL**

Re: Petition to Accept an Unintentionally Delayed Claim for Priority Under 35 USC 119(e) and Petition to Waive Surcharge Associated Therewith as per 37 CFR 1.182

**Items Attached:**

- Check for \$130
- Petition pages 1-3
- Copy of original application page 1 \*
- Copy 35 USC 119 (e) page L23 \*
- Copy of Confirmation no.9503 \*
- Copy of Office Action pages 3-5 \*
- Copy of proposed amendment to application page 1 (page 2 of OA response) \*

- indicates pertinent passages are highlighted

transmitted by Express Mail ET 028358226 US date 06/19/03

by: Leonard Duffy, Applicant

RECEIVED  
JUN 24 2003  
OFFICE OF PETITIONS



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20531  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/015,087	10/19/2001	3626	1117		16	47	15

CONFIRMATION NO. 9503

## FILING RECEIPT



\*0000000007439480\*

Leonard Duffy  
P O Box 99  
Hinesburg, VT 05461

Date Mailed: 02/07/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Leonard Arnold Duffy, Hinesburg, VT;

## Domestic Priority data as claimed by applicant

## Foreign Applications

If Required, Foreign Filing License Granted 02/07/2002

Projected Publication Date: ☐ To Be Determined - pending completion of Corrected PapersNon-Publication Request: ☐ NoEarly Publication Request: ☐ No

\*\* SMALL ENTITY \*\*

## Title

Slidingly engagable fasteners and method of manufacturing same

## Preliminary Class

024

LICENSE FOR FOREIGN FILING UNDER

alternative to applicant's claimed apparatus and method and applicant indicates that production of embodiments of the invention by a rotary cutting tool, as discussed on page 4, line 12 of the specification, may be possible with certain types of materials, the restriction is appropriate and stands. Since applicant elected the article of Group I, the requirement for election of species from Group II is moot.

The requirement is still deemed proper and is therefore made FINAL.

Claims 35-43 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 6.

#### ***Priority***

If applicant desires priority under 35 U.S.C. 119(e) based upon a previously filed application, specific reference to the earlier filed application must be made in the instant application. For benefit claims under 35 U.S.C. 120, 121 or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of the applications. This should appear as the first sentence of the specification following the title, preferably as a separate paragraph unless it appears in an application data sheet. The status of nonprovisional parent application(s) (whether patented or abandoned) should also be included. If a parent application has become a patent, the expression "now Patent No. \_\_\_\_" should follow the filing date of the parent application. If a parent application has become abandoned, the expression "now abandoned" should follow the filing date of the parent application.

If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A priority claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed claim for priority under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the

72  
12  
71

\$

↑

delay was unintentional. The petition should be directed to the Office of Petitions, Box DAC, Assistant Commissioner for Patents, Washington, DC 20231.

Applicant has made reference to two provisional applications on page 1 of the specification. This is interpreted as an attempt to claim priority that needs to be perfected. However, the claim of priority is not merely a reference to the applications but needs to be explicit. In applications claiming priority under 35 U.S.C. 119(e), a statement such as "This application claims the benefit of U.S. Provisional Application No. 60/ - --, filed - --" should appear as the first sentence of the description or in an application data sheet. See MPEP 1302.04. Applicant needs to amend the reference to the two applications so that there is a clear priority claim and also indicate in applicant's remarks that the interpretation that a priority claim is made in the application is verified.

The case is being examined on the assumption of the priority claim being perfected.

Further it appears that applicant's reference to 60/228,780 has a typographical error and should refer to 60/288,780. Correction should be made.

### ***Specification***

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.72(b). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification is objected to because the term "bilateral disposition" (claim 2, line 2; claim 13, lines 2-3; claim 20, lines 2-3) lacks antecedent



Application/Control Number: 10/015,087

OFFICE ACTION RESPONSE

Art Unit: 3677

June 19, 2003

page 2 of 42

**AMENDMENTS TO SPECIFICATIONS**

*Please amend the Specification as per the following:*

***TITLE PAGE***

***TITLE***

Pg. 1 line 1

**IMPROVED SLIDINGLY ENGAGABLE FASTENERS and METHOD OF  
MANUFACTURING SAME**

***PRIORITY***

Pg. 1 pp.3(now pp.2)

~~Ref Provisional patent applications~~

~~60/228,780-05/05/2001~~

~~60/241,707-10/19/2000~~

*This application claims the benefit of US Provisional Applications No.*

*60/288,780 filed 05/05/2001 and No. 60/241,707 filed 10/19/2000 in regard to*

*Priority status as provided under 35 USC 119 (e)(1).*